

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRENTON DWAYNE THOMPSON,

Petitioner,

v.

BRIAN WILLIAMS,

Respondent.

No. C09-5265 RJB/KLS

ORDER DENYING MOTION FOR
RECONSIDERATION

On October 26, 2009, the court granted Petitioner's Motion to Stay and Abey this habeas action while Petitioner returned to state court to pursue his sixth and seventh claims for habeas relief. Dkt. 25. Petitioner now files a motion for reconsideration of that order. Dkt. 29. Petitioner claims that Respondent is now arguing in state court that the claims should be dismissed because they were found to be meritless in his direct appeal. Dkt. 29, p. 2. Petitioner argues that the Respondent's position contradicts his earlier argument that Petitioner failed to exhaust his sixth and seventh claims because they were never raised in the Washington Court of Appeals as federal constitutional violations. *Id.* Petitioner also states that there has been no final state court ruling on his personal restraint petition. *Id.*, p. 3.

After carefully reviewing the motion for reconsideration and the record, the court **ORDERS** as follows:

(1) Petitioner's motion for reconsideration (Dkt. 29) is **DENIED**. Motions for
ORDER - 1

1 reconsideration are disfavored and will ordinarily be denied in the “absence of a showing of
2 manifest error in the prior ruling or a showing of new facts or legal authority which could not
3 have been brought to [the Court’s] attention earlier with reasonable diligence.” Local Rule CR
4 7(h)(1). Here, Petitioner has identified no error in the court’s order, nor presented any new facts
5 or legal authority suggesting that reconsideration is appropriate. There has been no final state
6 court ruling on Petitioner’s personal restraint petition addressing his sixth and seventh habeas
7 claims and there is no evidence before the court that these claims were previously presented to
8 the Washington Court of Appeals *as violations of the federal constitution*.
9

10 (2) Petitioner shall advise the Court within thirty (30) days of receiving a final State
11 court ruling.

12 (3) The Clerk is directed to send copies of this order to Petitioner and counsel for
13 Respondent.
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15 **DATED** this 14th day of April, 2010.

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18 Karen L. Strombom
19 United States Magistrate Judge
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